



STATE OF CONNECTICUT

OFFICE OF THE
PROBATE COURT ADMINISTRATOR

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TO: Senate Co-Chair Gary Winfield
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House Ranking Member David Rutigliano
Honorable Members of the Labor and Public Employees Committee

FROM: Paul J. Knierim
Probate Court Administrator

RE: H.B. 5860 An Act Recognizing Probate Court Employees as State Employees

DATE: February 17, 2015

The Office of the Probate Court Administrator opposes H.B. 5860 An Act Recognizing Probate Court Employees as State Employees.

The bill would deem Probate Court staff to be state employees, reversing the longstanding statutory framework under which court staff are employed by individual courts. Under current law, hiring decisions are made at the local level by the elected judge of each court and the employment relationship is at will. The arrangement reflects the role of probate judges as elected officials who are accountable to the voters for the performance of their courts. Because court employees interact with the public on behalf of the court, judges, like legislators, have traditionally had sole authority to select and supervise their immediate staff.

The system does, however, have a uniform statewide compensation and benefits plan to ensure fair and competitive pay for all court staff. The uniform plan came into being in 2011 as an important part of Probate Court restructuring. The Probate Court Budget Committee, which is the statutory body that establishes the compensation and benefits plan, has worked closely with judges and court staff in developing and refining the policies that make up the plan. Key accomplishments in the four years since the budget committee started work include:

- Uniform pay ranges
- Comprehensive employment policy manual
- Benefits modeled on those afforded to Judicial Branch employees

- Internal pay equity study
- Performance evaluation system
- Annual COLA and annual merit pay increases

The committee has also just completed a study to obtain updated data on the competitiveness of our compensation plan relative to organizations in both the public and private sectors with similar positions. The committee has adopted the study recommendations and plans to make adjustments in the next fiscal year if the budget allows.

H.B. 5860 would eliminate a key element of local control by treating Probate Court staff as state employees. The bill would effectively make this office responsible for many decisions that are currently handled by the judges as part of the management of their courts. For example, this office would become responsible for assigning staff to the various court locations and determining work schedules. Similarly, this office, rather than the judge of each court, would handle disciplinary issues. It is our position that these issues are best handled on a local basis.

The fiscal consequences of H.B. 5860 are likely to be large. We anticipate that a significant increase in staffing levels would be necessary because this office lacks the human resources staff to address the needs of the 350 additional employees that would be added to our census if the bill were to pass. We also expect that the legislation may result in increased compensation costs in amounts that are not possible to predict.

In addition, the bill leaves numerous critical issues unanswered because it is still in concept form. We wish to alert the committee to the following questions:

- Would court employees be considered Judicial Branch employees, or be assigned to some other state branch or agency or established as a separate agency?
- Would court staff be excluded from state classified service in the same manner as Judicial Branch employees?
- How would differences between state compensation and benefits plans and the existing Probate Court plan be resolved?
- Would court staff continue to serve on an at will basis?
- Would court staff be eligible for collective bargaining?
- Would the Probate Court Budget Committee be eliminated?
- Would the Probate Court Judges and Employees Retirement System remain separate from the State Employees Retirement System?
- Would C.G.S. section 5-259 (g) be amended to make health insurance premiums for court staff equal to the premiums that state employees pay?

It is our position that the current structure fits the unique circumstances of the Probate Courts. It ensures that all employees are compensated in accordance with cohesive, uniform and equitable criteria, while maintaining appropriate local control over employee selection and supervision. H.B. 5860 would upset the reasonable balance that this structure embodies, and we respectfully request that the committee reject the proposal.